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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,420	04/18/2000	Sharon D Dodge	IW1.P02	2406

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EXAMINER	
SHERKAT, AREZOO	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/551,420	DODGE, SHARON D	
	Examiner	Art Unit	
	Arezoo Sherkat	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Reopening of Prosecution - New Ground of Rejection After Appeal

1. In view of the Appeal Brief filed on 2/10/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al., (U.S. Patent No. 6,167,382 and Sparks hereinafter), in view of Cocotis et al., (U.S. Patent No. 6,980,964 and Cocotis hereinafter).

3. Regarding claim 8, Sparks discloses a control program associated with a server (i.e., a website 14 which is mounted on a host computer), the control program capable of communicating with a user and additionally capable of communicating with a remotely located photographer (i.e., the image assembler 20 can be an image assembler software such as Desknet as installed on a remote server), the control program capable of receiving a request for a photographic assignment from the user (Col. 4, lines 2247 and Col. 5, lines 1 170).,

a database (i.e., image Database) associated with the control program (i.e., Image Catalog Software), the database including a store of information relating to a photographer (i.e., the image of a product), the database searchable for a photographer having a criteria set that corresponds to the photographic assignment from the user (Col. 5, lines 57, 67 and Col. 6, lines 1-47); and

an electronic interface having the ability to transmit a communication between the user and the photographer as manipulated by the control program, the communication including a photograph specification by the user and a response to the photograph specification by the user (Col. 2, lines 27-67 and Col. 3, lines 1-19).

Cocotis also discloses a database (i.e., administrative database 46) associated with the control program (i.e., interactive photo shop application 47), the database

including a store of information relating to a photographer (i.e., a photo service provider), the database searchable for a photographer having a criteria set that corresponds to the photographic assignment from the user (i.e., as is discussed more fully below, using administrative database 46, web server 15 can transmit selection criteria for selecting photo service providers and placing photo service bids, place an order for photo print services, etc. to web server 16)(col. 6, lines 4-67 and col. 7, lines 1-19 and col. 9, lines 33-67 and col. 10, lines 1-67 and col. 11, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Sparks with the teachings of Cocotis to include a photographer selection corresponding to the photographer assignment specification as disclosed by Cocotis. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Cocotis to provide the ability to dynamiclly create a relationship between image servers and print product suppliers which allows the image server to maintain control over the photo print products and/or services that it offers to its users (Cocotis, col. 2, lines 44-51).

Claims 1-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al., (U.S. Patent No. 6,167,382 and Sparks hereinafter), in view of Cocotis et al., (U.S. Patent No. 6,980,964 and Cocotis hereinafter), in further view of White, (U.S. Patent No. 6,049,877 and White hereinafter).

4. Regarding claim 1, Sparks discloses a method of electronically generating and assigning a photographic project (i.e., requesting and receiving an image) comprising the steps of:

receiving a photographic assignment request from a user, the photographic assignment request received by a control program, the control program based within a first server (Col.21, lines 40-67 and Col.22, lines 1-41);

searching a photographer data base (i.e., Image Database) for a photographer (i.e., the image of a product)(Col. 5, lines 57, 67 and Col. 6, lines 1-47);

transmitting the search result of the photographer selection to the user (Col. 6, lines 27-55);

receiving an approval of the photographer selection from the user (Col. 6, lines 56-67 and Col. 7, lines 1-17);

generating with the control program (i.e., Image Catalog software), a photograph request for the photographer (i.e., querying the Image Database for the image of a product)(Col. 7, lines 14-67 and Col. 8, lines 1-30);

transmitting the photograph request to the photographer (i.e., image database)(Col. 5, lines 41-67 and Col. 6, lines 1-20);

receiving an image from the photographer (i.e., retrieving the image of a product from the image database)(Col. 4, lines 39-67);

generating with the control program, a photograph submittal for the user (Col. 4, lines 53-63);

transmitting the photograph submittal to the user for review (Col. 5, lines 1-15);

receiving a photograph review from the user (Col. 6, lines 56-67 and Col. 7, lines 1-27);

generating a user review report for the photographer (i.e., note that as shown in Fig. 35 and 37 through "modify order" and "back" buttons)(Col. 6, lines 56-67 and Col. 7, lines 1-27); and

transmitting the user review report to the photographer (i.e., Confirmation of the order)(Col. 6, lines 56-67 and Col. 7, lines 1-27).

Sparks discloses wherein the search page 92 shows three ways to search for images: by keyword at 98, by category at 100, or by icon 102)(Fig. 6 and Fig. 7 and Col. 5, lines 57, 67 and Col. 6, lines 1-47).

Sparks does not expressly disclose a photographer selection corresponding to the photographer assignment specification.

However, Cocotis discloses generating with the control program (i.e., interactive photo shop application 47), a search result including a photographer selection, the photographer selection corresponding to the photographer assignment specification received by the control program, and the photographer database stored within a second server (i.e., as is discussed more fully below, using administrative database 46, web server 15 can transmit selection criteria for selecting photo service providers and placing photo service bids, place an order for photo print services, etc. to web server 16)(col. 6, lines 4-67 and col. 7, lines 1-19 and col. 9, lines 33-67 and col. 10, lines 1-67 and col. 11, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Sparks with the teachings of Cocotis to include a photographer selection corresponding to the photographer assignment specification as disclosed by Cocotis. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Cocotis to provide the ability to dynamiclly create a relationship between image servers and print product suppliers which allows the image server to maintain control over the photo print products and/or services that it offers to its users (Cocotis, col. 2, lines 44-51).

Sparks or Cocotis, alone and in combination do not disclose issuing a user identification by the control program, the user identification specifically corresponding to the user.

However, White discloses issuing a user identification by the control program, the user identification specifically corresponding to the user (i.e., on subsequent client request, the CGI determines if the cookie is valid ... as stated in the more general description of an authentication token, a cookie is valid when it was forged from a valid key and contains valid token data)(Col. 6, lines 50-67 and Col. 7, lines 1-67 and Col. 8, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Sparks and Cocotis with the teachings of White to include issuing a user identification by the control program, the user identification specifically corresponding to the user as

disclosed by Cocotis. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Cocotis to provide to provide a common, non HTTP challenge/response based authentication mechanism for multiple CGI applications (White, Col. 2, lines 44-67).

5. Regarding claims 2 and 9, Sparks discloses a process further comprising the steps of receiving with the control program, a photograph revision from the photographer, the photograph revision in response to a review by a user (Col. 6, lines 56-67 and Col. 7, lines 1-27);

generating with the control program, a revised image for the user (Col. 6, lines 56-67 and Col. 7, lines 1-27);

transmitting the revised image to the user for review and comment (Col. 6, lines 56-67 and Col. 7, lines 1-27);

receiving with the control program, an approval from the user (Col. 6, lines 56-67 and Col. 7, lines 1-27).

Sparks does not expressly disclose a photographer selection corresponding to the photographer assignment specification.

However, Cocotis discloses generating with the control program, an acceptance receipt to the photographer (Col. 7, lines 63-67 and Col. 8, lines 1-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Sparks with the teachings of Cocotis to include generating with the control program, an acceptance receipt to the

photographer as disclosed by Cocotis. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Cocotis to provide the ability to dynamiclly create a relationship between image servers and print product suppliers which allows the image server to maintain control over the photo print products and/or services that it offers to its users (Cocotis, col. 2, lines 44-51).

6. Regarding claims 3 and 10, Sparks does not expressly disclose issuing a user identification by the control program, the user identification specifically corresponding to the user.

However, White discloses a method further comprising the steps of:

generating with the control program, an access code for the user (i.e., valid token data), and authenticating access to the control program by the user by requiring the user to submit the access code to the control program (i.e., whenever the client makes subsequent requests to execute a CGI application within the set of CGI applications, the cookie accompanies the client request ... a cookie is valid when it was forged from a valid key and contains valid token data)(Col. 6, lines 50-67 and Col. 7, lines 1-67 and Col. 8, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Sparks and Cocotis with the teachings of White to include generating with the control program, an access code for the user, and authenticating access to the control program by the user

by requiring the user to submit the access code to the control program as disclosed by Cocotis. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Cocotis to provide to provide a common, non HTTP challenge/response based authentication mechanism for multiple CGI applications (White, Col. 2, lines 44-67).

7. Regarding claims 4 and 11, Sparks discloses wherein the step of transmitting the photograph request to the photographer (i.e., a number of image descriptions such as (1) a "thumbnail" image 116 of limited size and resolution, an image ID number 118 which uniquely identifies this image as opposed to the others stored in the image database, and (3) a set 120 of keywords which can be used by the client to more quickly access the image in future searches of the image database of the system)(col. 6, lines 1-47).

Sparks does not expressly disclose wherein the control program generates and authenticates the photographer's access code.

However, Cocotis discloses wherein the interactive photo shop and photo service provider register with the market portal and the access information such as login and password is assigned (col. 10, lines 46-67 and col. 11, lines 1-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Sparks with the teachings of Cocotis to include wherein the control program generates and authenticates the photographer's access code as disclosed by Cocotis. This modification would have

been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Cocotis to provide the ability to dynamiclly create a relationship between image servers and print product suppliers which allows the image server to maintain control over the photo print products and/or services that it offers to its users (Cocotis, col. 2, lines 44-51).

8. Regarding claims 5 and 12, Sparks discloses the step of providing the user a photograph generation and assignment progress history (Col. 6, lines 27-67 and Col. 7, lines 1-18).

9. Regarding claims 6 and 13, Sparks discloses wherein the step of transmitting the photograph request to the photographer further comprises the step of:

generating an e-mail message to the photographer (i.e., "send email" button presented to email special shipping instructions), the e-mail message containing the project description and control program contact information (i.e., any information such as project description and control program contact information may be sent through email the same way as special shipping instructions are)(Fig. 59 and Col. 5, lines 16-35).

10. Regarding claims 7 and 14, Sparks discloses wherein the step of transmitting the photograph submittal to the user further comprises the step of displaying a progress image to the user (Col. 6, lines 27-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.S.

Patent Examiner
Group 2131
April 24, 2006

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SUPERVISORY PATENT EXAMINER